

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CONNECTU LLC,

Plaintiff,

v.

MARK ZUCKERBERG, EDUARDO SAVERIN,
DUSTIN MOSKOVITZ, ANDREW MCCOLLUM,
CHRISTOPHER HUGHES, and
THEFACEBOOK, INC.,

Defendants.

CIVIL ACTION NO. 1:04-cv-11923
(DPW)

District Judge Douglas P.
Woodlock

Magistrate Judge Robert B.
Collings

MARK ZUCKERBERG and
THEFACEBOOK, INC.,

Counterclaimants,

v.

CONNECTU LLC,

Counterdefendant,

and

CAMERON WINKLEVOSS, TYLER
WINKLEVOSS, and DIVYA NARENDRA,

Additional Counterdefendants.

**PLAINTIFF'S MOTION TO COMPEL THE PRODUCTION OF
DOCUMENTS IN RESPONSE TO PRODUCTION REQUEST
NOS. 42, 44-46, 70-71, 85-96, 98-105, 107-110, 113, AND 169**

For the reasons fully set forth in the accompanying memorandum, Plaintiff hereby moves for an order compelling Defendants to produce documents responsive to the following production requests, which Defendants refuse to produce:

1. Production Request Nos. 42, 44-46, 85-89, 90-95, 98-101, 102-104 (in part), 105, 107-109, 110, 113, and 169.
2. Production Request Nos. 70-71, 96, 102-104 (in part).

CERTIFICATION UNDER L.R. 7.1(A)(2) and 37.1(B)

Plaintiff's counsel hereby certifies under L.R. 7.1(A)(2) and 37.1(B) that counsel for the parties conferred in good faith by telephone discovery conference on July 13, 14, 18, and 26, 2005, for a total of about seven hours, to attempt to resolve or narrow these issues. As of the July 26, 2005 telephone conference, the parties were able to resolve the issues. However, on August 22, 2005 (and in a previous letter dated August 19, 2005), Defendants retracted their promise to produce documents responsive to the production requests covered by this motion, and have subsequently reiterated their position that Defendants will not produce documents responsive to these requests until the Court resolves Defendants' cross motion for protective order. Defendants Thefacebook, Inc., Mark Zuckerberg, Dustin Moskovitz, Andrew McCollum, and Christopher Hughes ("Facebook Defendants") were represented during the conference by Monte Cooper and Joshua Walker of the Orrick, Herrington law firm, Defendant Eduardo Saverin was represented by Robert Hawk and Bhanu Sadasivan of the Heller Ehrman law firm and Dan Hampton of the Holland & Knight law firm, and Plaintiff was represented by John Hornick and Troy Grabow of the Finnegan law firm (although some of these counsel may not have been present for the entire discovery conference).

REQUEST FOR ORAL ARGUMENT

Plaintiff believes oral argument may assist the Court, and wishes to be heard on these issues.

PROPOSED ORDER

A proposed Order is submitted with this motion as Exhibit A.

DATED: September 9, 2005

/s/ Troy E. Grabow

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